

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
v.) No. 4:04-cr-00060-SEP
)
BRENDA MILLS and)
FRISELLA BROWN,)
)
Defendants.)

MEMORANDUM AND ORDER

Before the Court are Defendants Brenda Mills's and Frisella Brown's post-judgment motions in this closed criminal case. For the reasons set forth below, the motions are denied.

BACKGROUND

Defendant Brenda Mills, a doctor, and Defendant Frisella Brown, her office manager, were indicted on February 3, 2004, and charged with Medicare fraud, false statements relating to health care matters and mail fraud. Doc. [1]. On August 26, 2004, a superseding indictment was filed, generally containing the same allegations of fraud. Doc. [62]. Defendants subsequently entered into guilty plea agreements. Docs. [108], [132]. Defendants were sentenced on March 4, 2004. Defendant Mills was sentenced to three years of probation. Doc. [121]. Defendant Brown was sentenced to two years of probation. Doc. [123]. Neither Defendant appealed.

In 2008, Defendant Mills filed a 28 U.S.C § 2255 motion to vacate her sentence. *See Motion to Vacate Sentence, Mills v. United States*, No. 4:08-cv-00310 (E.D. Mo. Mar. 3, 2008), Doc. [1]. Although the matter was initially assigned to the Honorable Catherine D. Perry, she recused herself on December 12, 2008, after Defendant Mills filed a separate civil action against Judge Perry. *See Complaint, Mills v. Crowe*, No. 4:08-cv-01850 (E.D. Mo. Dec. 1, 2006), Doc. [1]. Defendant Mills' § 2255 motion was denied and dismissed as time-barred on March 24, 2009, by the Honorable Lyle E. Strom, Senior United States District Judge for the District of Nebraska. *Mills v. United States*, No. 4:08-cv-00310 (E.D. Mo. Mar. 24, 2009), Doc. [17]. The Eighth Circuit denied Defendant Mills a certificate of appealability. *Mills v. United States*, No. 4:08-cv-00310 (E.D. Mo. July 30, 2009), Doc. [28].

DISCUSSION

Defendants have filed four pro se motions: (1) Motion to Vacate Void Judgments for Total Want of Jurisdiction Pursuant to Federal Rules of Civil Procedure, Doc. [136]; (2) Motion to Allow Access on PACER, Doc. [137]; (3) Motion to Compel Proper Processing of Movants' Motion to Vacate Pursuant to Federal Rule of Civil Procedure 60(b)(4), Doc. [138]; and (4) Motion to Enforce Disqualification of Judge Catherine D. Perry, Doc. [139]. The motions are denied.

First, Judge Perry entered an order disqualifying herself from this matter on August 19, 2024. Doc. [140]. As such, Defendants' motion for her disqualification is denied as moot.

Second, Defendants seek access to PACER so that "this entire cause be entered into the PACER electronic recording system and that Movants and the public be allowed access to this and all entries under this cause number." Doc. [137] at 1. There is no fee to register for a PACER account, but charges do apply for accessing documents on PACER. According to the PACER website, access to case information costs 10 cents per page with a maximum charge per document of \$3.00. *See PACER Pricing: How fees work*, PACER, <https://pacer.uscourts.gov/pacer-pricing-how-fees-work>. Self-represented litigants may also email case filings to MOED_SRL_Filings@moed.uscourts.gov. If Defendants are seeking to download documents free of charge, the motion is denied.

Finally, Defendants' arguments for vacating their sentences must be brought under 28 U.S.C. § 2255. As such, the Motion to Vacate Void Judgments for Total Want of Jurisdiction Pursuant to Federal Rules of Civil Procedure, Doc. [136], and the Motion to Compel Proper Processing of Movants' Motion to Vacate Pursuant to Federal Rule of Civil Procedure 60(b)(4), Doc. [138], are denied without prejudice. If Defendants wish to bring motions to vacate under § 2255, they must file their motions separately, on the Court-provided forms for filing such motions. The Clerk will then open a new § 2255 action for each Defendant.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion to Vacate Void Judgments for Total Want of Jurisdiction Pursuant to Federal Rules of Civil Procedure, Doc. [136], and Motion to Compel Proper Processing of Movants' Motion to Vacate Pursuant to Federal Rule of Civil Procedure 60(b)(4), Doc. [138], are **DENIED** without prejudice.

IT IS FURTHER ORDERED that the Clerk shall provide Defendants Brenda Mills and Frisella Brown with separate Court-issued forms for filing motions to vacate, set aside or correct sentences pursuant to 28 U.S.C. § 2255.

IT IS FURTHER ORDERED that Defendants' Motion to Allow Access on PACER, Doc. [137], is **DENIED**.

IT IS FURTHER ORDERED that Defendants' Motion to Enforce Disqualification of Judge Catherine D. Perry, Doc. [139], is **DENIED AS MOOT**.

IT IS FINALLY ORDERED that an appeal of this Order would not be taken in good faith.

Dated this 9th day of September, 2024.



SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE